

REMARKS

The cited references have been reviewed and it is respectfully submitted that the newly submitted claims patentably distinguish over the cited references.

Applicant's new claim 21 specifies a first adhesive layer on a flexible frameless eye patch for attaching the flexible eye patch to the person's face and a second adhesive layer opposite the first layer having the dual function of supporting an optical element upon the eye patch along with a sheet bearing a printed attention getting message. It is respectfully submitted that this teaching is not suggested in the cited references.

The Bleau reference 6,984,037 discloses frame 14 that does not have adhesive layers on opposite sides of a flexible frameless eye patch and does not have an attention getting message at all as specified by applicant. The tiny logo is simply not an attention getting message in support of applicant's purpose of promoting social interaction. As is well known, logos are symbols indicating the source of the goods. Likewise with respect to the Wargon reference, 5,949,514 that does not have adhesive on opposite sides of an eye patch; note pegs 32, and also lacks the attention getting message. While Mack 5,764,338 does disclose an attention getting message, it is not adhered to a flexible eye patch but is coupled to an eyeglass frame in contrast with applicant's teachings. Thus it can be readily knocked off of the eyeglass frame while applicant's simple, inexpensive to manufacture frameless mask is securely affixed, via the first adhesive layer, to the wearer during, for example, nightclub dancing. As explained in applicant's specification, it is an important object of the invention to enable the person to leave the conventional eyeglass frames home while attending the social event and yet see reasonably well.

It is respectfully submitted that claims 22-40 distinguish over the art of record as they are based on the recognition, as explained in the specification, that many persons going night clubbing, for example, do not wish to wear their conventional framed eye glasses as they feel that this makes them less attractive to others. Yet they would like to "have their cake and eat it" by being able to see reasonably well. The present invention

resolves this dilemma by supplying a kit enabling the person to mount a lens previously made from an outdated prescription upon an attention getting mask-like member as specified in claims 22-39. This procedure makes good use of an otherwise non-usable lens that is normally discarded and constitutes an unexpected result evidencing non-obviousness.

Should the examiner still deem the application not in condition for allowance, the examiner is respectfully requested to make any suggestions in a telephonic interview or otherwise that may further advance prosecution in accordance with the mandate of MPEP 707.07 (j); page 700-101 8th Ed. : "When an application discloses patentable subject matter and it is apparent from the claims and applicant's arguments that the claims are intended to be directed to such patentable subject matter, ...the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and where possible, should offer a definite suggestion for correction."

Respectfully submitted,



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